

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KIM ANDERSON, on behalf of herself
and all others similarly situated,

Plaintiff,

v.

RENT-A-DAUGHTER, *et al.*,

Defendants.

CASE NO. 1:22-cv-00143

JUDGE BRIDGET MEEHAN BRENNAN

JOANNE ACOFF, on behalf of herself and
all others similarly situated,

Plaintiff,

v.

RENT A DAUGHTER,

Defendant.

CASE NO. 1:22-cv-00193

JUDGE BRIDGET MEEHAN BRENNAN

**JOINT MOTION FOR
FINAL APPROVAL OF RULE 23 CLASS ACTION SETTLEMENT**

Plaintiff Kim Anderson (“Representative Plaintiff” or “Class Representative”) and Plaintiff Joanne Acoff, on behalf of themselves and the members of the proposed settlement collective and class, and Defendants Rent-A-Daughter Corp., Rent-A-Daughter, LLC, Rent-A-Daughter Franchising, LLC, Rent-A-Daughter Concierge Service, LLC, and Nadine Glatley (“Defendants”) respectfully and jointly move the Court to enter a final order approving, as fair, reasonable, and adequate the Class Action Settlement pursuant to Fed. R. Civ. P. 23(e), and entry of a final judgment on the Ohio Rule 23 portion of the class settlement for which final approval is now being requested. A proposed Final Order and Judgment is attached as **Exhibit 1**.

On August 9, 2022, the Parties filed their Joint Motion for Final Approval of FLSA Settlement and Preliminary Approval of Rule 23 Class Action Settlement. (ECF No 36). An Amended Settlement Agreement was later filed. (ECF Nos. 37-38). On September 28, 2022, the Court approved FLSA settlement and preliminarily approved the Rule 23 Class Settlement. (ECF No. 39).

The court-approved notice process completed on November 28, 2022. *See* Declaration of Settlement Administrator, Jeff Mitchell of Analytics Consulting LLC (“Mitchell Dec.”), at ¶12, attached as **Exhibit 2**. The Fairness Hearing is scheduled for January 31, 2023. (ECF No. 39 at PageID #: 418, ¶14).

The Settlement resolves bona fide disputes involving alleged overtime violations under the Fair Labor Standards Act (FLSA) and Ohio’s overtime statute, O.R.C. § 4111.03. Points and authorities supporting approval of the settlement were submitted by the Parties in their Joint Motion for Final Approval of FLSA Settlement and Preliminary Approval of Rule 23 Class Action Settlement and attached thereto were the current and former employees covered by the Settlements (ECF Nos. 36; 36-1 at PageID #: 268-74).

Rule 23 Class Settlement Notices and Class Action Fairness Act (CAFA) notices were sent out on or about October 28, 2022. There was a delay in obtaining the complete list from Defendants’ Counsel due to various factors, including legacy systems which made creation of the complete list difficult. During the process, duplicates and individuals who were not class members were excluded, resulting in a final count of 200 individuals participating in settlement. (Mitchell Dec. at ¶7).

The Court-approved Notice gave eligible Class Members 30 days in which to request exclusion from the Ohio Rule 23 Class Settlement or to object to the Settlement. (ECF No. 36-1

at PageID #: 256, ¶¶35, 37). Only 26 mailings were returned as undeliverable, 5 of which the claims administrator was able to find an updated or forwarding address. (Mitchell Dec. at ¶11). There were 2 exclusions and no objections to the Ohio Rule 23 Class Settlement. (Mitchell Dec. at ¶¶12-13).

As explained in the Parties' August 9th joint approval motion (ECF No. 36), the proposed allocations to the Representative Plaintiff and the Class Members were based on disputed but agreed estimates of unpaid pre-shift work per day and week, and the Individual Payments to the Representative Plaintiff and Class Members represent a substantial percentage of their claimed damages. For example, "the Total Settlement Amount exceeds the calculated expected value. Also, the estimated net amount for Class distribution exceeds 168% of the calculated expected value exclusive of fees. Further, the average settlement amount exceeds \$628, with a minimum payment of \$25. (ECF No. 36, at PageID #: 234, ¶B.1).

CONCLUSION

For the reasons addressed herein and in the Joint Motion for Final Approval of FLSA Settlement and Preliminary Approval of Rule 23 Class Action Settlement, the Parties respectfully ask the Court to approve the Ohio Rule 23 Class Settlement and enter the proposed Order Granting Final Approval of Class Action Settlement, and to direct the Clerk of the Court to enter the Order Approving this Ohio Rule 23 Class Settlement and the September 28, 2022, Order Approving the FLSA Settlement.

Respectfully submitted,

/s/ Robi J. Baishnab

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CERTIFICATE OF SERVICE

I hereby certify that on December 1, 2022, the foregoing was filed electronically. Notice of this filing will be sent to all parties via the Court's electronic filing system. Parties may access this filing through the Court's system. Additionally, the foregoing was served on the Department of Labor via email as follows:

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